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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,691	05/23/2001	Hsin-Wang Wayne Chang	2537-06	2086
75	90 03/22/2006		EXAMINER	
Mr. C. P. Chang			COFFY, EMMANUEL	
Pacific Law Gro	oup LLP	•		
224 AIRPORT			ART UNIT PAPER NUMBER	
SUITE 525			2157	
San Jose, CA	95110		DATE MAILED: 03/22/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

-	Application No.	Applicant(s)		
	09/864,691	CHANG, HSIN-V	CHANG, HSIN-WANG WAYNE	
Office Action Summary	Examiner	Art Unit		
	Emmanuel Coffy	2157		
The MAILING DATE of this community Period for Reply	nication appears on the cover	sheet with the correspondence a	ddress	
A SHORTENED STATUTORY PERIOD IN WHICHEVER IS LONGER, FROM THE IN Extensions of time may be available under the provision after SIX (6) MONTHS from the mailing date of this come. If NO period for reply is specified above, the maximum serous Failure to reply within the set or extended period for reply any reply received by the Office later than three months earned patent term adjustment. See 37 CFR 1.704(b).	MAILING DATE OF THIS CC s of 37 CFR 1.136(a). In no event, howe munication. statutory period will apply and will expire s y will, by statute, cause the application to	MMUNICATION. Ever, may a reply be timely filed SIX (6) MONTHS from the mailing date of this become ABANDONED (35 U.S.C. § 133).		
Status				
 Responsive to communication(s) file 2a) This action is FINAL. Since this application is in condition closed in accordance with the practice. 	2b)⊠ This action is non-finant for allowance except for for	mal matters, prosecution as to th	ne merits is	
Disposition of Claims				
4) Claim(s) 1-27 is/are pending in the 4a) Of the above claim(s) is/a 5) Claim(s) is/are allowed. 6) Claim(s) 1-27 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restrict to the specification is objected to by the specification is objected to be specification in the specification is objected to be specification in the specification in the specification is objected to be specification in the specification in the specification is objected to be specification in the specification in	are withdrawn from consideration and/or election required the Examiner. E: a) accepted or b) objection to the drawing(s) be helding the correction is required if the	ment. ected to by the Examiner. in abeyance. See 37 CFR 1.85(a). e drawing(s) is objected to. See 37 C		
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim a) All b) Some * c) None of: 1. Certified copies of the priority 2. Certified copies of the priority	n for foreign priority under 35 y documents have been rece y documents have been rece s of the priority documents ha onal Bureau (PCT Rule 17.2	U.S.C. § 119(a)-(d) or (f). ived. ived in Application No ave been received in this Nationa (a)).		
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (3) Information Disclosure Statement(s) (PTO-1449 of Paper No(s)/Mail Date	(PTO-948) or PTO/SB/08) 5)	Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO)	TO-152)	

Application/Control Number: 09/864,691

Art Unit: 2157

Continued Examination Under 37 CFR 1.114

Page 2

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 13, 2006 has been entered.

Claims 1-27 are pending. Claims 1-27 are pending. Claims 1-27 are directed to a system for a "Distributed Computer Resource bartering System."

Response to Arguments

2. Applicant's arguments revolve around the following central issue:

Applicant asserts that "As supported in paragraphs (027) and (030), the coordination computing device is executing a negotiation process that requires human intervention to determine importance and valuation of a task to subsequently reach a bartering contract with some of the computing devices". See remarks, page 8, 3rd full paragraph. The same argument is repeated regarding claims 14 and 15. See remarks, page 9, 2nd full paragraph.

Although the argument is persuasive, however, the amendment raises the following issues:

- a) The first is § 101 concreteness issue; and
- b) A corollary §112, 1st enablement issue.

Application/Control Number: 09/864,691

Art Unit: 2157

Claim Rejections - 35 USC § 101

Page 3

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1 and 14-15 are rejected under 35 U.S.C. 101 due to lack of concreteness in operation because of the human involvement as recited in said claims. The outcome could vary due to human involvement, incapable of producing assured, repeatable results. To avoid such results, the human intervention has to be based on objective criteria. The added element recites: "... executing a negotiation process requiring human intervention to determine importance and valuation of a task and benefits to subsequently reach a bartering contract with some of the computing devices..." As written, the basis for determination is the human intervention. Nowhere in the spec that the Examiner can ascertain are there any objective criteria upon which this determination is made. If however, Applicant believes otherwise to please indicate where those objective criteria are to be found in the spec. Human intervention is only mentioned in paragraph 052 of the original spec and it states: "Automatic negotiation algorithm or negotiation algorithm with human intervention are implemented in the bartering engine for the relevant valuation parameters to reach a bartering contract."

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 and 14-15 are rejected under 35 U.S.C. 112, first paragraph.

Specifically, due to the added limitation "... executing a negotiation process requiring human intervention to determine importance and valuation of a task and benefits to subsequently reach a bartering contract with some of the computing devices..." the invention is incapable of producing assured, repeatable results and lacks concreteness for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. Therefore, the disclosure is not enabled. An analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the art to make and use the claimed invention. See MPEP 2164.01.

The disclosure is not enabled because the added limitation renders the claim overly broad. As stated above, the basis for determination is the human intervention. Nowhere in the spec that the Examiner can ascertain are there any objective criteria upon which this determination is made. Since there are no working examples, and no direction was provided, the quantity of experimentation required would be overwhelming. The subject matter being bartering or contract is inherently subjective, hence introducing some unpredictability into the claimed invention. Therefore, the outcome would vary according to the specific individual making the determination. The dependent claims failed to further limit the claimed subject matter and are therefore, rejected based upon their dependency upon claims 1 and 15.

Application/Control Number: 09/864,691

Art Unit: 2157

CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy Patent Examiner Art Unit 2157 Page 5

EC

March 16, 2006

PRIMARY EXAMINER